**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR**

**TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929**

**WP(C).No. 37796 of 2004(Y)**
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**PETITIONER:**
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**P.SUKUMARI AMMA,**
**LAKSHMI VILASOM, KIZHAKKENADA,**
**CHENGANNOOR, ALAPPUZHA.**

**BY ADV. SRI.P.HARIDAS**

**RESPONDENTS:**
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1. **STATE OF KERALA,**
   **REPRESENTED BY COMMISSIONER AND SECRETARY,**
   **DEPARTMENT OF LABOUR, GOVERNMENT OF KERALA,**
   **SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DISTRICT EXECUTIVE OFFICER,**
   **MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,**
   **PATHANAMTHITTA.**

**BY ADV. SRI.K.HARILAL, SC,KMTWF BOARD**
**GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.(C) NO.37796/2004**

**APPENDIX**

**PETITIONERS EXHIBITS**

**EXT.P1:- COPY OF THE LETTER NO.B2/EA 52/F/98-00 DT. 14.1.03 ISSUED BY THE 2ND RESPONDENT.**

**EXT.P2:- COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 2ND RESPONDENT BY THE PETITIONER DT. 10.7.04.**

**EXT.P3:- COPY OF THE FINAL DETERMINATION ORDER NO.B2 EA 52/REV/98-2000 DT. 29.9.04 ISSUED BY THE 2ND RESPONDENT.**

/TRUE COPY/

**P.A. TO JUDGE**

ss

**C.N.RAMACHANDRAN NAIR, J.**

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**WP(C) No. 37796 of 2004**

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**Dated, this the 20th day of November, 2007**

**J U D G M E N T**

Petitioner is challenging final determination order determining Motor Transport Workers Welfare Fund in respect of 10 employees for the years 1998 to 2000. Even though petitioner has right of appeal against the order, petitioner has not chosen to avail the same. Petitioner's grievance is that she has not given an opportunity to adduce evidence. However, learned standing counsel appearing for the 2nd respondent submitted even though petitioner was given several opportunities, she did not avail the same. It is seen from the final determination order itself that four postings were given to the petitioner from 22/08/2003 to 02/08/2004 for appearance, but petitioner failed to appear. I do not find any bonafides in the claim of the petitioner that she was not given any opportunity to raise objection against the assessment. Moreover, the demand is for 10 workers for operating three stage carriages owned by the petitioner. Stage carriage with two doors cannot be operated with less than 4 workers and therefore, the demand of contribution for 10 workers for three

stage carriages is quite realistic and convincing. In the circumstances, this writ petition is devoid of any merit and is dismissed.

**(C.N.RAMACHANDRAN NAIR, JUDGE)**

jg